

Approved For Release 2005/11/23 : CIA-RDP80S01268A000400030001-6
Office of Legislative Counsel

22 Dec 78

18 Mar 70
~~24 Jan 66~~
1 Aug 56

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25X1

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First, to issue the guidelines which the committee proposed last summer for its own use in assessing the qualifications of individuals to be either ambassadors or ministers.

Second, to amend 22 U.S.C. 910(a), which calls for the disclosure of campaign contributions by nominees and their immediate families by adding the following sentence:

The report of contributions as filed with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives shall be published in the Congressional Record.

And to further amend the same section by adding a new subsection (c) as follows:

Persons who, together with members of their immediate families, have contributed more than \$15,000 as defined by Section 301(e) of the Federal Election Campaign Act of 1971 shall be ineligible for consideration as ambassadors and ministers.

Mr. Chairman, we believe that the prompt adoption of these measures is essential to the efficient conduct of American diplomacy.

PERSONAL HARDSHIP BORNE BY FOREIGN SERVICE PEOPLE

The second item I would like to raise is the personal hardship that is borne by Foreign Service people. That has to do with the separation of Foreign Service parents and their children. This is a very human concern for us. As good Americans, we naturally want our children to have American educations. However, under present law, the Government will pay for only one round trip every 4 years for dependent children who are going to school in the United States to travel to the post abroad where their parents are serving.

As you can see, the parents and the children in this kind of situation are faced with an untenable and rather tragic choice of either not seeing each other for periods of 2 years year or longer, or having to pay full international round trip fares once a year, which to some posts run into the hundreds, even the thousands of dollars, or not having an American education at the secondary or college level.

In the case of parents with more than one child, the expenses just go out of sight, and we feel, sir, that they are heavy and unfair burdens which arise solely because our Foreign Service people are serving abroad.

In our view, Foreign Service parents are penalized simply by the fact that they are separated from their children—often by enormous distances—simply because American caliber high school and college facilities at their post of assignment are inadequate or nonexistent. To compound this personal hardship by a choice of long separation or major financial outlay or damage to the children makes the present situation completely unfair in human and financial terms.

We are proposing that you alleviate this situation. We respectfully request and strongly urge that you incorporate in this bill an amendment to section 5924(4) (b) of title 5 United States Code to read:

The travel expenses of dependents of an employee to and from a school in the United States to obtain an American secondary or undergraduate college education not to exceed one annual trip each way for each dependent for the purpose of obtaining each type of education

Public Law 885

CHAPTER 841

August 1, 1956
[S. 2569]

AN ACT

To provide certain basic authority for the Department of State.

State Department.
Passport and
despatch agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State is authorized to establish, maintain, and operate passport and despatch agencies.

SEC. 2. The Secretary of State, when funds are appropriated therefor, may—

Printing and
binding.

(a) provide for printing and binding outside the continental United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111);

40 Stat. 1270,
Transportation of
household effects,
etc.

(b) pay the cost of transportation to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary may prescribe;

(c) employ aliens, by contract, for services abroad;

(d) provide for official functions and courtesies;

(e) purchase uniforms; and

62 Stat. 983.

(f) pay tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries in connection with Department of State operations abroad.

Insurance on
motor vehicles.

SEC. 3. The Secretary of State is authorized to—

(a) obtain insurance on official motor vehicles operated by the Department of State in foreign countries, and pay the expenses incident thereto;

(b) rent tie lines and teletype equipment;

(c) provide ice and drinking water for United States Embassies and Consulates abroad;

(d) pay excise taxes on negotiable instruments which are negotiated by the Department of State abroad;

(e) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in international educational exchange activities under the jurisdiction of the Department of State;

Expenses for
seamen.

(f) pay expenses incident to the relief, protection, and burial of American seamen, and alien seamen from United States vessels in foreign countries and in the United States Territories and possessions;

(g) pay the expenses incurred in the acknowledgment of the services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad or at sea;

Rentals and
leases.

(h) rent or lease, for periods of less than ten years, such offices, buildings, grounds, and living quarters for the use of the Foreign Service abroad as he may deem necessary, and make payments therefor in advance; and

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties.

Emergency ex-
penditures.

SEC. 4. The Secretary of State is authorized to—

(a) make expenditures, from such amounts as may be specifically appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent author-

Public Law 885

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[S. 2569]State Department.
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(g) pay the expenses incurred in the acknowledgment of services of officers and crews of foreign vessels and aircraft rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad or at sea;

Rentals and
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(h) rent or lease, for periods of less than ten years, such office buildings, grounds, and living quarters for the use of the Foreign Service abroad as he may deem necessary, and make payment therefor in advance; and

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties.

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(a) make expenditures, from such amounts as may be specially appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent aut

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and in appropriation Acts, funds expended for such purposes may be accounted for in accordance with section 291 of the Revised Statutes (31 U. S. C. 107); and

(b) delegate to subordinate officials the authority vested in them by section 291 of the Revised Statutes pertaining to certification of expenditures.

5. The Secretary of State is authorized to—

(a) provide for participation by the United States in international activities which arise from time to time in the conduct of foreign affairs for which provision has not been made by the terms of any treaty, convention, or special Act of Congress: *Provided*, That this subsection shall not be construed as granting authority to accept membership for the United States in any international organization, or to participate in the activities of any international organization for more than one year without approval by the Congress; and

(b) pay the expenses of participation in activities in which the United States participates by authority of subsection (a) of this section, including, but not limited to the following:

- (1) Employment of aliens;
- (2) Travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, as amended (5 U. S. C. 835-842);
- (3) Travel expenses of persons serving without compensation in an advisory capacity while away from their homes or regular places of business not in excess of those authorized for regular officers and employees traveling in connection with said international activities; and
- (4) Rental of quarters by contract or otherwise.

SEC. 6. The provisions of section 8 of the United Nations Participation Act of 1945, as amended (22 U. S. C. 287e), and regulations thereunder, applicable to expenses incurred pursuant to that Act, may be applicable to the obligation and expenditure of funds in connection with United States participation in the International Civil Aviation Organization.

SEC. 7. The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles in possession of the Foreign Service abroad, in accordance with section 201 (c) of the Act of June 30, 1949 (40 U. S. C. 481 (c)), shall be available without fiscal year limitation for replacement of an equal number of such vehicles.

SEC. 8. The Secretary of State may, when authorized in an appropriation or other law, transfer to any department, agency, or independent establishment of the Government, with the consent of the head thereof, any funds appropriated to the Department of State, for direct expenditure by such department, agency, or independent establishment for the purposes for which the funds are appropriated.

SEC. 9. The Secretary of State is authorized to enter into contracts in foreign countries involving expenditures from funds appropriated or otherwise made available to the Department of State, without regard to the provisions of section 3741 of the Revised Statutes (41 U. S. C. 22): *Provided*, That nothing in this section shall be construed to waive the provisions of section 431 of title 18 of the United States Code.

SEC. 10. Appropriated funds made available to the Department of State for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel shall be available for such expenses when any part of such travel or transportation begins in one fiscal year pursuant to travel

Participation in international activities.

63 Stat. 166.

63 Stat. 736.

63 Stat. 384.

Transfer of funds.

Contracts in foreign countries.

62 Stat. 702.

Travel funds, availability.

orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during that same fiscal year.

60 Stat. 810.

SEC. 11. Notwithstanding the provisions of section 16 (a) of the Act of August 2, 1946 (5 U. S. C. 78 (c)), the Secretary of State may authorize any chief of diplomatic mission to approve the use of Government-owned vehicles in any foreign country for transportation of United States Government employees from their residence to the office and return when public transportation facilities are unsafe or are not available.

Per diem rates.

SEC. 12. The Secretary of State, with the approval of the Bureau of the Budget, shall prescribe the maximum rates of per diem in lieu of subsistence (or of similar allowances therefor) payable while away from their own countries to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency, and said rates may be fixed without regard to any provision of law in limitation thereof.

60 Stat. 1025.

SEC. 13. Allowances granted under section 901 (1) of the Foreign Service Act of 1946 (22 U. S. C. 1131 (1)), may include water, in addition to the utilities specified.

SEC. 14. Appropriations now or hereafter made available for allowances granted under the authority in part A of title IX of the Foreign Service Act of 1946, as amended (22 U. S. C. 1131), including an allowance for water as authorized in section 13 of this Act shall be available for the payment of such allowances in advance.

Appropriation.

SEC. 15. Appropriations to carry out the purposes of this Act are hereby authorized. When so provided in an appropriation law, an appropriation made to the Department of State may remain available until expended.

Approved August 1, 1956.

Public Law 886

CHAPTER 842

AN ACT

August 1, 1956
[S. 4060]

To amend section 607 of the Postal Field Service Compensation Act of 1953, to include employees in the Motor Vehicle Service.

Postal Service,
Motor Vehicle
Service employ-
ees.
69 Stat. 127,
39 USC 1007.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607 of the Postal Field Service Compensation Act of 1955 is amended by inserting after the words "Postal Transportation Service" wherever they appear therein the words "and the Motor Vehicle Service". The heading of such section is amended to read as follows: "EMPLOYEES IN THE POSTAL TRANSPORTATION SERVICE AND THE MOTOR VEHICLE SERVICE."

SEC. 2. As used in this section in reference to employees in the Motor Vehicle Service the term "assigned to road duty" means assignment to a Motor Vehicle Service route which is not less than fifty miles in length one way.

69 Stat. 126,
39 USC 1005.

SEC. 3. Subsection (b) of section 605 of the Postal Field Service Compensation Act of 1955 is amended by inserting after the words "Postal Transportation Service" the words "and the Motor Vehicle Service".

Approved August 1, 1956.

Honorable James T. McIntyre, Acting Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. McIntyre:

This letter submits proposed legislation in accordance with Office of Management and Budget Circular No. A-19, revised. Enclosed are six copies of a draft bill, "To provide death gratuity benefits for Central Intelligence Agency employees." Also enclosed are copies of a sectional analysis, cost analysis, changes in existing law and drafts of the letters of transmittal to the President of the Senate and the Speaker of the House of Representatives.

Overseas service is becoming more hazardous for Central Intelligence Agency personnel. However, unlike employees of other U.S. agencies CIA personnel are not covered by any general death gratuity benefits if they die as a result of injuries sustained in the performance of their official duties.

Dependents of State Department employees, for example, receive a gratuity in the amount of one year's salary. Eligible survivors of Defense Department employees are also entitled to death gratuity benefits. The proposed legislation is designed to achieve equity for CIA employees.

The bill would amend the Central Intelligence Agency Act of 1949, and would permit the Director of Central Intelligence to authorize the payment of a gratuity in the amount of one year's salary to dependents of CIA employees who die as a result of injuries sustained in the performance of duties outside the United States or who are declared dead under the provisions of the Missing Persons Act.

Your advice is requested as to whether there is any objection to the submission of the proposed legislation to the Congress from the standpoint of the Administration's program.

Yours sincerely,

STANSFIELD TURNER

Enclosures

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B11

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A BILL

To amend Section 4 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403e), as follows:

1 Section 4 is amended by inserting "(a)" after "Sec. 4" and by
2 adding at the end thereof the following new subsection "(b)":
3 "(b). Pay a gratuity to surviving dependents of an employee
4 who dies as a result of injuries sustained in the performance of
5 duty outside the United States or upon issuance of a finding of death
6 under 5 U.S.C. 5565, in an amount equal to one year's salary at
7 the time of death. A death gratuity payment shall be made under
8 this subsection only if the survivors entitled to payment under this sub-
9 section are entitled to elect monthly compensation under section 8133
10 of title 5, United States Code, because the death resulted from an injury
11 (excluding a disease proximately caused by the employment) sustained
12 in the performance of duty, without regard to whether such survivor
13 elects to waive compensation under such section 8133. Any death
14 gratuity payment made under this subsection shall be held to have
15 been a gift and shall be in addition to any other benefit payable from
16 any source. A death gratuity payment under this subsection shall be
17 made as follows: (1) First, to the widow or widower; (2) Second, to
18 the child, or children in equal shares, if there is no widow or widower;
19 and (3) Third, to the dependent parent, or dependent parents in equal

1 shares if there is no widow, widower, or child. If there is no survivor
2 entitled to payment under this subsection, no payment shall be made.
3 As used in this subsection, (i) the term "employee" means a United
4 States citizen employee or an appointed foreign national employee
5 of the Central Intelligence Agency; (ii) each of the terms "widow,"
6 "widower," "child," and "parent" shall have the same meaning given
7 each such term by section 8101 of title 5, United States Code; and
8 (iii) the term "United States" means the several States and the District
9 of Columbia. The provisions of this subsection shall apply with
10 respect to deaths occurring on and after 1 January 1973. "

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Sectional Analysis
and Explanation

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SECTIONAL ANALYSIS AND EXPLANATION

The draft bill adds a new subsection (b) to Section 4 of the Central Intelligence Agency Act of 1949, as amended, and authorizes payment of a death gratuity to certain dependents of CIA employees. The major provisions of the amendment are as follows:

1. Dependents of Central Intelligence Agency employees who die as a result of injuries sustained in the performance of duty outside the United States or who are declared dead under the provisions of the Missing Persons Act, 5 U.S. Code 5565 will receive a Death Gratuity Benefit. Dependents are defined as (a) widow or widower; (b) child or children if there is no widow or widower; and (c) dependent parent or parents if there is no widow, widower or children. An employee includes an individual employed on a full-time, temporary, part-time, or intermittent basis. Alien employees are ineligible, except appointed foreign national employees.

2. The payment will be equal to one year's salary of the employee at the time of death.

3. Survivors are eligible for the payment of a death gratuity provided the survivors are entitled to elect monthly compensation under section 8133 of Title 5, U.S. Code.

4. The benefit will apply to deaths occurring on and after 1 January 1973.

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Changes in Existing Law

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CHANGES IN EXISTING LAW

Changes in existing law made by the draft bill are shown as follows: existing law in which no change is proposed is shown in roman; new matter is underscored.

CENTRAL INTELLIGENCE AGENCY ACT OF 1949
as amended
(50 U.S.C.A. 403a-j)

* * * *

TRAVEL, ALLOWANCES AND RELATED EXPENSES

* * * *

SEC. 4(a)

* * * *

(b) Pay a gratuity to surviving dependents of an employee who dies as a result of injuries sustained in the performance of duty outside the United States or upon issuance of a finding of death under 5 U.S.C. 5565, in an amount equal to one year's salary at the time of death. A death gratuity payment shall be made under this subsection only if the survivors entitled to payment under this subsection are entitled to elect monthly compensation under section 8133 of title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133. Any death gratuity payment made under this subsection shall be held to have been a gift and shall be in addition to any other benefit payable from any source. A death gratuity payment under this subsection shall be made as follows: (1) First, to the widow or widower; (2) Second, to the child, or children in equal shares, if there is no widow or widower; and (3) Third, to the dependent parent, or dependent parents in equal shares if there is no widow, widower, or child. If there is no survivor entitled to payment under this subsection, no payment shall be made. As used in this subsection, (i) the term "employee" means a United States citizen employee or an appointed foreign national employee of the Central Intelligence Agency; (ii) each of the terms "widow," "widower," "child," and "parent" shall have the same meaning given each such term by section 8101 of title 5, United States Code; and (iii) the term "United States" means the several States and the District of Columbia. The provisions of this subsection shall apply with respect to deaths occurring on and after 1 January 1973.

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Senate and House
Transmittal Letters

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Honorable Thomas O'Neill
Speaker of the House of Representatives
Washington, D.C. 20515

Honorable Walter F. Mondale
President of the Senate
Washington, D.C. 20510

Dear Mr. Speaker:

This letter transmits for the consideration of the Congress a draft bill to amend the Central Intelligence Agency Act of 1949, as amended, "To authorize the Director of the Central Intelligence Agency to provide for payment of a death gratuity to CIA employees."

Overseas service is becoming more hazardous for all Central Intelligence Agency personnel. Indeed, they are an especially attractive target for terrorist groups and extremist organizations.

Employees of other U.S. agencies who are similarly situated presently are covered by a death gratuity. Dependents of State Department employees who die as a result of injuries sustained in the performance of duties outside the U.S., for example, receive a gratuity in the amount of one year's salary. Eligible survivors of Defense Department employees are also entitled to death gratuity benefits.

The proposed legislation is designed to achieve equity for CIA employees. It amends the Central Intelligence Agency Act of 1949 and would permit the Director of Central Intelligence to authorize the payment of a gratuity in the amount of one year's salary to dependents of CIA employees who die as a result of injuries sustained in the performance of duties outside the United States or who are declared dead under the provisions of the Missing Persons Act.

I urge Congress to give timely and favorable consideration to this legislation. The Office of Management and Budget has advised that there is no objection to presenting the proposed bill to the Congress from the standpoint of the Administration's program.

Yours sincerely,

STANSFIELD TURNER

Enclosures

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Cost Analysis

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The proposed new subsection 4(b) of the CIA Act of 1949, as amended, is estimated to cost upon enactment just under \$100,000. This would cover gratuities to the dependents of four former Agency employees who either died as a result of injuries sustained in the performance of duty outside the United States, or were declared dead under the provisions of the Missing Persons Act since 1 January 1973.

Over the past ten years deaths of Agency employees, which would have entitled their dependents to a gratuity had the proposed legislation been applicable during this period, ranged from none in 1970 and 1973 to a high of seven in 1968, and averaged two annually. Annual costs would have ranged from none to about \$125,000 (in 1968).

Future estimated cost of the proposed legislation, based on the foregoing data and current salary levels, would average about \$50,000 annually.

COST SUMMARY
(Dollars in Thousands)

<u>Upon Enactment</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
\$100	\$50	\$50	\$50	\$50	\$50

COST ANALYSIS

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\$100	\$50	\$50	\$50	\$50	\$50

25X1

TO :		DATE OF REQUEST
FROM :	YTF <i>gm</i>	SUSPENSE DATE
SUBJECT: Death Gratuity Benefits for Agency employees		
NOTES Attached for your consideration is the Agency's proposed legislation providing for death gratuity benefits for CIA employees. Generally, this bill tracks the State Department's statute which provides death gratuity benefits for Foreign Service Personnel. Our bill differs from State's in one aspect--it would provide a death gratuity benefit for survivors of those employees who are pronounced dead under the Missing Persons Act. OP and OGC thought it would be all right to provide for our alien employees by writing a death gratuity benefit into their contract.		
COORDINATED WITH (list names as well as offices)		
NAME	OFFICE OGC	DATE
NAME	OFFICE OP	DATE
NAME	OFFICE DDO	DATE
NAME	OFFICE CCS FBIS	DATE
ACTION REQUIRED BY GLC		
Approve for final		

22 DEC 1978

MEMORANDUM FOR: Legislative Counsel

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Proposed Legislation Authorizing Death Gratuities
for Certain CIA Personnel

*not done
referring to
OBC
have*

1. We have reviewed the information [redacted] sent to us on the subject of death gratuity legislation and wish to make the following comments.

25X1

2. With respect to the definition of employee [para. (d)(1)], this was discussed last year with [redacted] the Office of General Counsel with specific reference to [redacted] responded by a memorandum dated 22 June 1977, a copy of which is enclosed for your consideration. We favor the definition of "employee" as presented in that memorandum.

25X1

3. We believe the request for approval of this benefit would be strengthened by referencing a specific example. This could be accomplished by:

a. adding the following sentence to the second paragraph of the letter to Mr. McIntyre: "Thus the family of Richard Welch did not receive any such benefit when he was slain in Athens in December 1975."

b. adding the following sentence to the second paragraph of the letters to Vice President Mondale and Congressman O'Neill: "We will not soon forget the assassination of Richard Welch in Athens in December 1975."

4. Regarding the effective date, we believe that this benefit should have the same effective date as that of the State Department provision, which was 1 January 1973.

5. With respect to the cost analysis we have attached a sheet reflecting the appropriate figures.

6. Finally, there appears to be a typographical error in the third line, second paragraph of the letter to Mr. McIntyre. I believe the word "there" was intended to be "their" or "these."

*Is there anyone to whom
let them
1 Jan 73?*

[redacted]

F. W. M. Janney

25X1

Att

COST ANALYSIS

The proposed new subsection 8(c) of the CIA Act of 1949, as amended, is estimated to cost upon enactment \$100,000. This would cover gratuities to the dependents of four former Agency employees who either died as a result of injuries sustained in the performance of duty outside the United States, or were declared dead under the provisions of the Missing Persons Act since 1 January 1973. 11272?

Over the past 11 years deaths of Agency employees, which would have entitled their dependents to a gratuity had the proposed legislation been applicable during that period, ranged from none in 1970, 1973 and 1977 to a high of seven in 1968, and averaged two annually. Annual costs would have ranged from none to approximately \$125,000 in 1968.

Future estimated cost of the proposed legislation, based on the foregoing data and current salary levels would average about \$40,000 annually.

COST SUMMARY
(Thousands of Dollars)

<u>Upon Enactment</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
\$100	\$40	\$40	\$40	\$40	\$40

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Proposed Legislation Authorizing Death Gratuities for Certain CIA Personnel *red 78*

FROM:

F. W. M. Janney
Director of Personnel
5E58, Hdqrs.

EXTENSION

NO.

DATE

25X1

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Legislative Counsel
5E11, Hdqrs.

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